

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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ST. BARNABAS HOSPITAL, INC., on behalf  
of itself and all others similarly situated,

**Civil No. 09-1375 (JNE/JJG)**

Plaintiffs,

v.

LUNDBECK, INC. and  
OVATION PHARMACEUTICALS, INC.,

**ORDER ON STIPULATION  
FOR CONSOLIDATION AND  
FILING OF CONSOLIDATED  
AMENDED COMPLAINT**

Defendants.

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COMMUNITY MEDICAL CENTER  
HEALTHCARE SYSTEM, on behalf of itself  
and all others similarly situated,

**Civil No. 09-1586 (JNE/JJG)**

Plaintiffs,

v.

LUNDBECK, INC. and OVATION  
PHARMACEUTICALS, INC.,

Defendants.

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CONNECTICUT CHILDREN'S MEDICAL  
CENTER, on behalf of itself and all others  
similarly situated,

**Civil No. 09-1652 (JNE/JJG)**

Plaintiffs,

v.

LUNDBECK, INC. and  
OVATION PHARMACEUTICALS, INC.,

Defendants.

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Before the Court is the Stipulation for Consolidation and Filing of Consolidated Amended Complaint (Doc. Nos. 63, 51, and 56, respectively) filed by the parties on December 18, 2009.

WHEREAS, the parties agree and the Court finds that consolidation of these class action complaints and any other future filed direct purchaser actions relating to the same underlying conduct will avoid unnecessary costs and promote the efficient conduct of proceedings herein;

**IT IS HEREBY ORDERED** that:

1. This Order shall govern and control the procedure for the litigation of each of the above-listed class actions, and all “tag along” class action cases – cases which assert or purport to assert class action claims arising from or relating to the operative facts and allegations contained in the above-captioned class action complaints – that are subsequently filed in or transferred to this Court (collectively, the “Lundbeck Consolidated Class Action”). The above-captioned actions and all future filed actions are hereby consolidated for all purposes until further order pursuant to Fed. R. Civ. P. 42(a).

2. The cases will be consolidated as Court File No. 09-CV-1375 (JNE/JJG) and the caption of the consolidated case shall be *St. Barnabas Hospital, Inc., Community Medical Center Healthcare System, and Connecticut Children’s Medical Center, on behalf of themselves and all others similarly situated v. Ovation Pharmaceuticals, Inc. and Lundbeck, Inc.*

3. The Plaintiffs are hereby granted leave to serve and file a Consolidated Amended Complaint in *St. Barnabas Hospital, Inc., et al. v. Lundbeck, Inc., et al.*, Civil

File No. 09-cv-01375-JNE-JJG. This Consolidated Amended Complaint shall serve as the operative complaint. Upon the filing of the Consolidated Amended Complaint, the complaints in Civil Action Nos. 09-cv-01586-JNE-JJG and 09-cv-01652-JNE-JJG shall be dismissed without prejudice.

4. Defendants shall answer the Consolidated Amended Complaint by **January 15, 2010**.

5. Upon learning that an action that properly belongs as part of the Lundbeck Consolidated Class Action (pursuant to paragraph 1 of this Order) is hereinafter filed in this Court or transferred to this Court, Plaintiffs' Interim Class Counsel shall serve a file-endorsed copy of this Order upon attorneys for plaintiff(s) in the newly-filed or transferred action, and upon the attorneys for any new defendant(s) in the newly-filed or transferred cases, and file such notice and proof of service with this Court. Objections to consolidation or application of the other terms of this Order to such cases shall be promptly filed, with a copy served on Interim Class Counsel.

Dated: December 28, 2009

s/ Jeanne J. Graham  
JEANNE J. GRAHAM  
United States Magistrate Judge